

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
September 15, 2016**

DATE ISSUED
August 3, 2016

CASE TITLE – Ann Treboux v. War Memorial Board of Trustees (File Nos. 16042 and 16043)

FACTS OF THE CASE

On May 3 and May 5, 2016, Ann Treboux (Complainant) filed the following complaints:

File No. 16042: Complaint filed by Ann Treboux against the War Memorial Board of Trustees for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to make draft minutes of each meeting available for inspection and copying upon request no later than ten working days after the meeting (January 14, 2016, draft minutes).

File No. 16043: Complaint filed by Ann Treboux against the War Memorial Board of Trustees for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to make draft minutes of each meeting available for inspection and copying upon request no later than ten working days after the meeting (April 14, 2016, draft minutes).

HEARING ON THE COMPLAINT

On June 21, 2016, the Compliance and Amendments Committee heard the matters.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Jennifer Norris, Executive Secretary, War Memorial Board of Trustees (Respondent), provided a summary of the department's position. Ms. Norris acknowledged that the minutes for January 14, 2016, were not posted online in a timely manner. Ms. Norris stated that the minutes for April 14, 2016, were not posted online but were made available upon request in a timely manner. Ms. Norris assured the Committee that the cause of the errors has been found and addressed. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant and Respondent were allowed to provide rebuttals.

The Committee noted that Administrative Code (Sunshine Ordinance), Section 67.16, does not specifically state that draft minutes must be posted on the Body's internet site.

However, Administrative Code, Section 67.9 (a), does state that to the extent possible, documents on file with the clerk, which are intended for distribution to all shall be made available through the Body's Internet site to the extent possible.

On August 3, 2016, the Sunshine Ordinance Task Force (Task Force) reviewed the recommendation of the Committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.16, occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force adopted the Compliance and Amendments Committee recommendation to find jurisdiction and that the War Memorial Board of Trustees violated of Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to make the draft minutes for the January 14, 2016, and April 14, 2016, available for inspection and copying upon request no later than ten working days after the meeting (File Nos. 16042 and 16043).

The motion PASSED by the following vote (File No. 16042):

Ayes: 8 - Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused 1 - Hyland

The motion PASSED by the following vote (File No. 16042):

Ayes: 8 - Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused 1 - Hyland

Bruce Wolfe, Chair
Sunshine Ordinance Task Force



- c. Nicholas Colla, Deputy City Attorney
Ann Treboux, Complainant
Jennifer Norris, War Memorial Board of Trustees, Respondent